

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Revenue Department

#### Notification

RD/LR/DIU/114/71

In exercise of the powers conferred under section 25 read with Section 12 of the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Act, 1971 (1 of 1971) and all other powers enabling him in that behalf, the Lt. Governor of Goa, Daman and Diu is hereby pleased to make the following rules:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu — Declaration of Conferment of Occupancy Rights) Rules, 1971.

(2) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires—

(a) "Act" means the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Act, 1971;

(b) "Form" means a form appended to these rules;

(c) "Section" means a Section of the Act;

(d) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

3. **Issue of notice.**— (1) Where a provisional declaration of conferment of occupancy rights under sub-section (1) of Section 12 is to be made in any village, the Assistant Civil Administrator shall issue a public notice in Form I calling upon all persons who have interest in the lands in the village to furnish either in writing or orally, information on the following points to the Secretary of the village Panchayat within whose jurisdiction the village is situated, within thirty days from the date of issue of the public notice:—

- i) The name and residence (in Block letters);
- ii) Whether proprietor/tenant/agricultural labourer/village artisan;
- iii) If proprietor,
  - a) Names of co-sharers, if any;
  - b) Description of land under clause (a) of section 4, and its area in sq. mts.

c) Description of land under clause (b) of section 4, its area in square metres and since when under personal cultivation.

iv) If tenant/agricultural labourer/village artisan,

a) Names of co-holders, if any;

b) Description of land of which occupant under section 8; its area in sq. mts.

c) Since when in possession;

d) Name of the owner of the land immediately before the appointed date.

v) The date on which information on items i) to iv) is furnished;

vi) Signature or thumb impression of the person mentioned in item (i).

*Note:*— For the purpose of clauses (iii) and (iv) of this sub-rule description of property/land shall include survey number and sub-division number of the land or where the lands are not surveyed, the name of the land, if any, or boundaries thereof and such other details as may be useful for the identification of the land.

(2) The aforesaid notice shall be published in the village by beat of drums and by affixing copies thereof in the conspicuous places in the village and also in the offices of the Village Panchayat concerned and Assistant Civil Administrator.

4. **Preparation and publication of the provisional declaration.**— (1) As soon as may be after the expiry of thirty days from the date of issue of the public notice under sub-rule (1) of rule 3, the Secretary of the Village Panchayat shall forward to the Assistant Civil Administrator the information received by him under Rule 3 from each interested person, along with a report in Form II.

(2) The Assistant Civil Administrator shall on the basis of the information received under sub-rule (1) and information collected by making such inquiry as he may deem fit, and also after satisfying himself that no pasture or grass land is included in the information furnished by the interested persons, make a provisional declaration of conferment of occupancy rights in Form III.

(3) The provisional declaration prepared under sub-rule (2) shall be published by issuing a notice in the Form IV and in the manner prescribed in sub-rule (2) of rule 3, calling for objections, if any, from the interested persons, within thirty days from the date of the publication of the notice.

(4) Objections, if any, received under sub-rule (3), shall be entered by the Assistant Civil Administrator

in the register of objections which shall be maintained for each village in Form V. He shall simultaneously give individual notice in Form VI to each such person who appears to him to be interested in the objection informing him of the contents of such objection and calling upon him to be present on the date the said objection is to be considered and decided.

(5) The Assistant Civil Administrator shall consider each individual objection and make an order disposing of it on the date specified in the individual notices issued under sub-rule (4):

Provided that the Assistant Civil Administrator may, in unavoidable or unforeseen circumstances to be recorded by him in writing, postpone or adjourn the consideration and disposal of the objection, to the nearest possible date.

(6) The order made under sub-rule (5) shall be announced to the persons concerned and also recorded against the respective objection in the register of objections maintained under sub-rule (4).

**5. Final declaration.** — (1) The provisional declaration published under sub-rule (3) of Rule 4, shall be final for the purposes of sub-section (3) of section 12, on the expiry of thirty days from the date of its issue, if no objections are received, and if objections have been received, it shall become final with such modifications if any, as may be made by the orders passed thereon by the Assistant Civil Administrator, or where an appeal has been filed, by the orders on such appeal passed by the Civil Administrator:

Provided that, in the case of proprietors, where an application has been filed by a cultivating tenant for restoration of possession under Section 7, the declaration shall be subject to such further modification, if any, as may be required by the orders passed on such application.

(2) The Assistant Civil Administrator shall send a copy of such finalized declaration to the Director of Settlement and Land Records, Superintendent of Surveys and Land Records and to the Collector of Diu, so appointed under the provisions of the Goa, Daman and Diu Land Revenue Code, 1968 (Act No. 9 of 1969) and also to the Village Panchayat within whose jurisdiction the village is situated, for their record.

#### FORM I

[See Rule 3(1)]

#### Public Notice

Whereas the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu), 1971 (Act No. 1 of 1971) has been brought into force by Government with effect from 20th March, 1971;

And Whereas a provisional declaration of conferment of occupancy rights is now to be published under Section 12 of the said Act in the village ... situated within the jurisdiction of ... village panchayat in this district of Diu;

Now, therefore, I ... the Assistant Civil Administrator of Diu, hereby give a public notice under sub-rule (1) of Rule 3 of the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu — Conferment of Occupancy Rights) Rules, 1971 to all persons who have any interest in the lands in the said village either as proprietors or as tenants or agricultural labourers or village artisans and call upon them to furnish particulars to the Secretary of ... Village Panchayat either

in writing or orally, on the following points, within thirty days from the date of this notice: —

- i) The name and residence (in Block letters);
- ii) Whether he/she is a proprietor/tenant/agricultural labourer/village artisan;
- iii) If proprietor,
  - a) Names of co-sharers if any;
  - b) Description of land under clause (a) of section 4, and its area in square metres;
  - c) Description of land under clause (b) of section 4, its area in square metres and since when under personal cultivation;
- iv) If tenant/agricultural labourer/village artisan,
  - a) Names of co-holders, if any;
  - b) Description of land of which occupant under section 3, its area in square metres;
  - c) Since when in possession;
  - d) Name of the owner of the land immediately before the appointed date.
- v) The date on which information on points (i to iv) is furnished;
- vi) Signature or thumb impression of the person mentioned in point (i).

*Note:* For the purpose of points (iii) and (iv) description of land shall include survey number and sub-division number of the land or where the lands are not surveyed, the name of the land, if any, or boundaries thereof and such other details as may be useful for the identification of the land.

Place ...

(Signature)

Date ...

Assistant Civil Administrator.

#### FORM II

[See Rule 4(1)]

#### Report of the Secretary of ... Village Panchayat to the Assistant Civil Administrator

I, ..., Secretary of ... Village Panchayat, hereby forward to the Assistant Civil Administrator information received in pursuance of the Public Notice dated ... issued by him in the Village ... (name) from ... (number) persons, out of whom ... (number) claim to be proprietors, ... (number) tenants, ... (number) agricultural labourers; and ... (number) village artisans.

#### 2. The persons claiming to be proprietors are:

Sr. No.	Name	Address
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Out of the above, the persons at Sr. Nos. ... have furnished information in writing and those at Sr. Nos. ... have furnished the same orally before me.

#### 3. Persons claiming to be tenants are:

Sr. No.	Name	Address
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Out of the above, the persons at Sr. Nos. ... have furnished information in writing and those at Sr. Nos. ... have furnished the same orally before me.

#### 4. Persons claiming to be agricultural labourers are: —

Sr. No.	Name	Address
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\*Out of the above, the persons at Sr. Nos. ... have furnished information in writing and those at Sr. Nos. ... have furnished the same orally before me.

#### 5. Persons claiming to be village artisans are: —

Sr. No.	Name	Address
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Out of the above, the persons at Sr. Nos. ... have furnished information in writing and those at Sr. Nos. ... have furnished the same orally before me.

The information forwarded herewith contains ... pages.

Place ...

(Signature)

Date ...

Secretary of ... Village Panchayat.

## FORM III

[See rule 4(2)]

## Provisional Declaration of Conferment of Occupancy Rights

Village ... of ... Village Panchayat

## 1 — Proprietors

Sr. No.	Name	Residence	Name of co-sharers, if any	Description of land under clause (a) of Section 4	Area in sq. mts.	Description of land under clause (b) of Sect. 4	Area in sq. mts.
1	2	3	4	5	6	7	8

## 2 — Tenants

Sr. No.	Name	Residence	Name of co-holders, if any	Description of land of which occupant under Section 8(1)	Area in sq. mts.
1	2	3	4	5	6

## 3 — Agricultural labourers

Sr. No.	Name	Residence	Name of co-holders, if any	Description of land of which occupant under Section 8(2)	Area in sq. mts.
1	2	3	4	5	6

4 — Village Artisan

Sr. No.	Name	Residence	Name of co-holders, if any	Description of land of which occupant under Section 8(2)	Area in sq. mts.
1	2	3	4	5	6

Place ...  
Date ...

(Signature)  
Assistant Civil Administrator

FORM IV  
[See Rule 4(3)]

Public Notice

Whereas a public notice was issued on (date) under sub-rule (1) of Rule 1 of the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu—Conferment of Occupancy Rights) Rules, 1971, calling upon all persons who have any interest in the lands situated in the village ... within the jurisdiction of ... Village Panchayat, to furnish particulars on points specified in sub-rule (1) of Rule 3 of the said Rules, within thirty days from the date of issue of that notice;

And whereas on the basis of the information so furnished by the interested persons and also on the basis of the infor-

mation otherwise available, a provisional declaration has now been prepared under sub-rule (2) of Rule 4 of the said Rules;

Now, therefore, I, ..., Assistant Civil Administrator, call upon all persons having interest in the lands in the said village, to inspect the said provisional declaration which is kept open for inspection in my office as well as in the office of the ... Village Panchayat during the hours ... and to submit to me in writing within thirty days from the date of issue of this notice their objections, if any, to any of the entries in the said provisional declaration.

Place ...  
Date ...

(Signature)  
Assistant Civil Administrator

FORM V  
[See Rule 4(4)]

Register of objections to provisional Declaration  
Village ... of ... Village Panchayat

Sr. No.	Name of the objector	Whether Proprietor/Tenant/Agri-cultural Labourers/Village Artisans	Sr. No. in provisional Declaration	Description of land to which objection refers	Date of Receipt of objection and particular thereof	Name of persons believed to be interested	Date of issue of individual notice under Rule 4(4)	Date of Disposal by the Assistant Civil Administrator and particulars thereof	Decision on appeal, if any, and date thereof
1	2	3	4	5	6	7	8	9	10

## FORM VI

[See Rule 4(4)]

## Notice

Whereas the provisional declaration prepared under sub-rule (2) of Rule 4 of the Goa, Daman and Diu (Abolition of Proprietorship of Lands, in Diu—Declaration of Conferment of Occupancy Rights) Rules, 1971 in respect of the village ... of ... Village Panchayat, was published in accordance with sub-rule (5) of Rule 4 of the said Rules calling for objections from the interested persons within thirty days from ... the ... (month) 19... (here insert the date of the publication of the notice issued under sub-rule (3), of Rule 4);

And whereas an objection has been received from Shri ... to the entry made in respect of the land, as specified below:—

Description of the land	Nature of objection

And whereas it appears to me that you are interested in the entry in respect of the aforesaid land;

Now, therefore, I, ... the Assistant Civil Administrator, hereby call upon you to be present before me on ... (date) and ... (hours), at ... (place) and place before me your say in the matter. It may please be noted that if you fail to remain present on the aforesaid date, time and place, the objection will be decided in your absence.

Place ...

(Signature)

Date ...

Assistant Civil Administrator

By order and in the name of the Administrator of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary (Revenue).

Panaji, 4th May, 1972.

## Industries and Power Department

## Notification

DIM/219/64-72

The following draft of the rules which the Government of Goa, Daman and Diu proposes to make under Section 15 of the Mines and Minerals (Regulation and Development) Act 1957 (67 of 1957) is hereby published for the general information.

Notice is hereby given that the said draft will be taken into consideration by the Government on the expiry of 30 days/months from the date of publication of this notification in the Official Gazette.

All objections, suggestions, if any, may be sent to Under Secretary to the Government of Goa, Daman and Diu in the Industries and Labour Department, Secretariat, Panaji, Goa within 20 days/months of publication of this notification so that they may be taken into consideration at the time of finalization of the rules.

## DRAFT RULES

In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957) and of all other powers enabling it in this behalf, and in superses-

sion of all previous rules made in this behalf, the Government of Goa, Daman and Diu, make the following rules for regulating the grant of prospecting Licences and Mining Leases, in respect of minor minerals and for the purposes connected therewith, namely:—

## CHAPTER I

## Preliminary

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Minor Minerals Extraction and Removal Rules, 1972 and they shall come into force on and from 1-6-1972.

2. **Definitions.**— (1) In these rules unless there is anything repugnant in the subject or context:—

(i) "Competent officer" means the Director of Industries and Mines and includes any officer appointed by the Government to exercise and perform all or any of the powers and functions of the Director of Industries and Mines under these Rules.

(ii) "Director of Industries" means the Director of Industries and Mines of the Union Territory of Goa, Daman and Diu;

(iii) "Government" means Government of the Union Territory of Goa, Daman and Diu;

(iv) "Mamlatdar" shall have the same meaning assigned to it in clause (c) of Section 2 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966).

(v) "Mining Lease" means a lease to mine, quarry, bore dig, and search for win, work and carry away any minor mineral specified therein;

(vi) "Prospecting licence" means a licence granted under Chapter IV of these rules to explore, locate and prove minor mineral deposits specified therein;

(vii) "Minor Minerals" shall have the same meaning assigned to it under clause (e) of Section 3 of the Mines and Minerals (Regulation Development) Act, 1957 (67 of 1957) and includes stones used for making household utensils, boulder, shingle, chalc-dony pebbles used for ball mill purposes only, lime-shell, kankar and limestone used for lime burning, murrum brick earth fuller's earth, bentonite, road metal, red-matti, slate and shale when used for building material, as per Notifications from Ministry of Mines and Fuel No. MII-159(ii)/59; MII-159(6)/57; MII-159(18)/54-A-II, respectively;

(viii) "Panchayat Secretary" shall mean a person employed under a Panchayat as defined under the Goa, Daman and Diu Village Panchayat's Regulation, 1962 and named as Secretary to the Panchayat;

(ix) "Specified Minor Mineral" means limestone, lime shell and such other minor minerals as may be specified by Government by notification in the Official Gazette;

(x) "Private Person" shall include an individual, a company, family, joint family, association or other body of individuals, whether incorporated or not, a Comunidade, Temple, Church, Mosque, religious or charitable institutions and any institution capable of holding property.

(2) Words and expressions used but not defined in these rules shall have the meaning assigned respectively to them in the Mines and Minerals (Regulation and Development) Act, 1957;

## CHAPTER II

Grant of mining lease in respect of land  
belonging to Government

**3. Restrictions on grant of mining lease.** — (i) No mining lease shall be granted to any person other than an Indian citizen except with the prior approval of Government.

(ii) No mining lease shall be granted in respect of any specified minor mineral, except with the prior approval of the Director of Industries and Mines.

**4. Application for mining lease.** — (1) Every application for a mining lease in respect of any land in which the minerals belong to Government shall be made to the Competent Officer and shall contain the following particulars:

(a) i) If the applicant is an individual, his name, nationality, profession and residence, and

ii) if the applicant is a company, syndicate, partnership or private firm, its name, nature and place of business and place of registration or incorporation;

(b) A description, illustrated by a map or plan showing as accurately as possible the situation, boundaries and area of the land in respect of which the mining lease is required;

(c) The minor mineral or minerals which the applicant intends to extract;

(d) The purpose for which the extracted minor minerals are to be used;

(e) The period for which the mining lease is required;

(f) The areas and minor minerals within the Union Territory of Goa, Daman and Diu in respect of which the applicant or any person joint in interest with him already holds a mining lease.

*Explanation:* A map or plan referred to in item (b) shall give sufficient information to enable identification of the area in respect of which the lease is required.

(2) Every application shall be accompanied by a fee of Rs. 25/- and by certified copies of the relevant extracts of the Record of Rights Revenue Register (Livro de Matriz Predial) or property Register (Inscrição e Descrição do Registo Predial) or any other lawful document as the case may be pertaining to persons or Government in respect of which the mining lease is applied for.

**5. Grant of mining lease and execution thereof.** —

(1) On receipt of an application under Rule 4, the Competent officer, on making such inquiries as he deems fit may sanction the grant of a mining lease to the applicant or refuse to sanction it.

(2) Where a mining lease is granted under sub-rule (1) the formal lease shall be executed within three months of the order sanctioning the lease and if no such lease is executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked.

Provided that, where the Competent Officer is satisfied that the applicant for lease is not responsible for the delay in the execution of the formal lease, he may permit the execution of the formal

lease, after the expiry of the aforesaid period of three months.

**6. Refund of application fee.** — If the Competent Officer refuses to grant the mining lease applied for or if the applicant refuses to accept the lease on account of any special condition imposed therein under sub-rule (3) of rule 18, the fee shall be refunded.

**7. Intimation of refusal to be given.** — When an application for a mining lease is refused by the Competent Officer, he shall inform, in writing, the applicant, accordingly.

**8. Register of applications.** — A register of applications for mining leases shall be maintained by the Competent Officer, specifying therein the following particulars:

- i) Name of the applicant;
- ii) Address of the applicant;
- iii) Particulars of the land applied for and its area;
- iv) Minor mineral or minerals which the applicant desires to extract;
- v) Period for which the mining lease is required;
- vi) Action taken on the application and date of orders.

**9. Security deposits.** — The applicant shall, before the mining lease is granted, deposit as security a sum equal to 50 per cent of the annual dead rent fixed for the lease for due observance of the terms and conditions of the lease.

**10. Survey of area leased.** — When a mining lease is granted by the Competent Officer, arrangements shall be made at the expense of the lessee for the survey and demarcation of the area granted under lease.

**11. Register of mining lease.** — A register of mining leases shall be maintained by the Competent Officer, specifying the following particulars.

- (A).
  - i) Name of the lessee and his address;
  - ii) Particulars and area of the land in respect of which the lease has been granted and the period of the lease;
  - iii) Date on which the lease is granted;
  - iv) Date on which formal lease is executed;
  - v) Rates of royalties, surface rent and dead rent;
  - vi) Minor mineral or minerals for which the lease is valid;
  - vii) Amount of security deposit;
  - viii) Other conditions imposed;
- (B).
  - i) Date of renewal;
  - ii) Period of renewal;
  - iii) Total area under renewal;
  - iv) Minor mineral or minerals for which renewed lease is valid;
  - v) Rate of royalty;
  - vi) Rate of surface rent;
  - vii) Rate of dead rent;
  - viii) Amount of security deposit;
- (C). Date of determination of the lease.

**12. Inspections of registers.**— The register maintained by the Competent Officer under rules 8 and 11 shall be open to inspection by any person, on payment of a fee of Rs. 2/-.

**13. Restrictions on area of mining lease.**— (1) Except with the prior approval of Government, no mining lease shall be granted in the case of specified minor minerals for an area exceeding 10 hectares and in case of other minor minerals for an area exceeding 15 hectares.

(2) No lessee by himself or with any person joint in interest with him shall hold in the aggregate more than 100 Ha. of area under lease in respect of one minor mineral or a group of minor minerals within the Union Territory of Goa, Daman and Diu.

(3) Subject to the limits prescribed in these Rules, the Competent Officer may grant a mining lease for the whole or any part of the area applied for, and if he refuses to grant a mining lease for the whole area, the reasons for such refusal shall be recorded by him in writing.

(4) The area under any mining lease shall be in a compact block, unless the Competent Officer directs otherwise.

**14. Length and breadth of leased area.**— The length of an area held under a mining lease shall not exceed four times its breadth.

Provided that the Government may after having into account the circumstances of a particular case relax the provisions of this rule, if it deems fit.

**15. Boundaries below surface.**— The Boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

**16. Period of mining lease.**— (1) The period for which a mining lease may be granted shall not, except with the approval of Government, exceed ten years. The lease shall be renewable at the option of the lessee for one period not exceeding the duration of the original lease.

(2) At the time of renewal of the lease, the lessee shall be entitled to surrender any part of the leased area.

(3) When renewal is granted:

(i) Royalty and surface rent shall be charged at the rates in force at the time of renewal; and

(ii) Dead rent shall be charged at such rates at the Competent Officer may fix within the limits specified in Schedule II to these rules in force at the time of the renewal.

**17. Transfer of mining lease.**— The lessee may, with the previous sanction of the Competent Officer, and subject to the conditions specified in sub-rule (2) of rule 13 and rule 14, transfer his leave or any right, title or interest therein to any person on payment of fee of Rs. 50/- to Government.

Provided that if the lease was granted with the prior approval of Government, or Director of Industries, the transfer also shall be made with the prior approval of Government or Director of Industries as the case may be.

**18. Conditions.**— (1) Every mining lease shall include the following conditions:

i) The lessee shall pay royalty to the Government on minor minerals despatched from the leased area at the rates specified in Schedule I to these Rules:

Provided that such rates shall be liable to be revised as may be amended by Government from time to time.

ii) The lessee shall also pay for every year of the lease such yearly dead rent within the limits specified in Schedule II to these Rules as may be fixed by the Competent Officer, in the lease; and if the lease permits the working of more than one mineral in the same area, the Competent Officer may fix separate dead rent in respect of each mineral.

Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each minor mineral, whichever be higher in amount, but not both.

(iii) The lessee shall also pay, for the surface area used by him for the purpose of the mining, surface rent at such rate, not exceeding the land revenue cesses and taxes assessable on the land if any as may be fixed by the Competent Officer and specified in the lease.

iv) Unless the Competent Officer for good cause, permits otherwise, the lessee shall commence mining operations within three months from the date of execution of the lease and shall thereafter carry them on in a proper, skillful and workmanlike manner. The lessee shall prevent waste by removal of overburden, careful storage of waste, drainage and removal of all valuable minor minerals within the mine.

*Explanation:* For the purpose of this clause, «mining operations» shall include the erection of machinery, laying of a tramway or construction of a road in connection with the mining operations.

v) The lessee, shall, at his own expenses, erect and maintain boundary marks and pillars, necessary to indicate area leased to him.

vi) The lessee shall take adequate steps to ensure that:—

a) Heights and widths of trenches in open mines are properly maintained to facilitate easy removal of the mineral and the muck;

b) The working faces are always kept clean;

vii) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall report the discovery without delay to the Competent Officer and shall not win or dispose of such minor mineral without obtaining a lease therefor. If he fails to apply for such lease within three months from the discovery of the mineral the Competent Officer may grant a lease in respect of such mineral to any other person.

viii) The lessee shall arrange for the proper sanitation of the area leased to him.

ix) The lessee shall abide by such reasonable instructions and directions as may be issued by Government from time to time regarding the conservation and development of minor minerals.

x) The lessee shall abide by the provisions of any law for the time being in force, relating to the working of mines and matters affecting safety, health and convenience of the lessee's employees or of the public and shall respect all existing rights of way, water and other easements.



xi) The lessee shall not carry on or allow to be carried on any mining operations at any point within a distance of 45 metres, if no blasting is involved and 185 metres if blasting is involved from the boundary of any railway line except with the written permission of the Railway Administration concerned, or from the boundary of any reservoir, canal, road or public works or buildings except with the previous permission of Government. The Railway Administration or Government may, in granting permission, impose such conditions as it may deem fit. In the case of National Monuments such distance will be 300 metres whether blasting is involved or not.

xii) The lessee shall keep correct accounts showing the quantity and other particulars of all minor minerals obtained and despatched from the mine and the number of persons employed therein and complete plans of the mine and shall furnish to the Director of Industries such information, reports and returns as he may require from time to time together with representative samples of minerals obtained during his operations.

xiii) The lessee shall allow any officer authorised by Government or the Competent Officer to enter upon any building excavations or land comprised in his lease for the purpose of inspecting the same or for inspecting any of his accounts, plans and records which he shall make available to such officer. Such officer may issue such reasonable directions as he may deem fit to prevent wasteful extractions of minerals and it shall be the duty of the lessee, his agent or manager to carry out such directions within such period as the officer may specify. If the lessee, his agent or manager fails to carry out the directions within the specified period, the Competent Officer may determine the lease or may impose a penalty not exceeding twice the amount of the annual dead rent.

xiv) The lessee shall strengthen and support to the satisfaction of the railway administration concerned or Government, as the case may be any part of the mine which in its opinion required such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or structures.

xv) The lease shall be liable to cancellation if the lessee ceases to work the mine for a continuous period of six months;

Provided that the lease shall not be cancelled if the lessee is prevented from working the mine owing to some reasonable cause or if the lessee ceases to work with the prior permission of the Competent Officer.

xvi) If the lessee, or his transferee or assignee, does not allow any entry or inspection under clause (xiii) the Competent Officer may cancel the lease and forfeit in whole or in part the security deposit paid by the lessee.

xvii) The lessee shall report all accidents to the District Magistrate and the District Superintendent of Police concerned under copy to the Director of Industries.

xviii) In case of breach by the lessee or his transferee or assignee of any of the conditions specified in class i), ii), iii), iv), v), vi), vii), viii), ix), x), xi), xii), xiv), or xx), of this rule, the Competent Officer shall give notice in writing to the lessee asking him to remedy the breach within sixty days from the

date of the notice, and if the breach is not remedied within such period the Competent Officer may determine the lease, in case of breach by the lessee or his transferee or assignee of any other condition of the lease, the Competent Officer may require the lessee to pay a penalty not exceeding an amount equivalent to twice the amount of the annual dead rent.

xix) Government shall be immune from the lessee's claim for damage on account of any land having been included in his lease which may subsequently be discovered not to have been available for the lease.

xx) The lessee or his transferee or assignee shall not erect any building in contravention of the provisions of any law for the time being in force, relating to the erection of building or in contravention of any orders issued by any officer or the authority competent to issue such orders under any such law within whose jurisdiction the leased area is situated.

xxi) Government shall at all times have the right of pre-emption of the minor minerals won from the land in respect of which the lease has been granted.

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minor minerals.

xxii) Right of the Government of Goa, Daman and Diu or Central Government to construct any road, railway, or canal, reservoir or to carry any electric or telephone lines in or over the limits under the lease is reserved;

Provided that, before such right is exercised, a notice of not less than sixty days shall be given to the lessee and the area utilized by Government for any of the aforesaid purposes shall be excluded from the area under the lease.

(2) A mining lease may contain such other conditions as the Competent Officer may deem necessary in regard to the following:

(i) Time limit, mode and place of payment of rents and royalties;

(ii) Compensation for damage to the land covered by the lease;

(iii) Felling of trees;

(iv) Restriction of surface operation in any area prohibited by any authority;

(v) Notice by lessee for surface occupation;

(vi) Providing for proper weighing machines;

(vii) Facilities to be given by the lessee for working other minerals in the leased area or adjacent area;

(viii) Entering and working in a reserved or protected forest;

(ix) Securing pits and shafts;

(x) Indemnity to Government against claims of third parties;

(xi) Delivery of possession over lands and mines on the surrender, expiration or determination of the lease;

(xii) Forfeiture of property left after determination of lease;

(xiii) Power to take possession of plant, machinery, premises and mines in the event of war or emergency.

(3) A mining lease may contain any other special conditions which the Competent Authority may specify, subject to the approval of Government.



**19. Rights of lessee.** — Subject to the conditions mentioned in rule 18, the lessee shall have the right, for the purpose of his mining operations, to —

- (1) work mines or quarries;
- (2) sink pits and shafts and construct buildings and roads;
- (3) erect plants and machinery;
- (4) quarry and obtain buildings and road materials and make bricks;
- (5) use water and take timber;
- (6) use land for staking purposes;
- (7) do any other thing specified in the lease.

**20. Right to determine lease.** — The lessee may determine the lease at any time by giving not less than six months notice in writing to the Competent Officer.

Provided that where a lessee applies for the surrender of the whole or a part of the lease-hold area on the ground that such area is barren or the deposits of the mineral have since exhausted or depleted to such an extent that it is no longer economical to work such area, the Government shall permit the lessee from the date of receipt of the application, to surrender that area, if the following conditions are satisfied, namely: —

- (a) the lease-hold area to be surrendered has been properly surveyed and is contiguous;
- (b) the lessee has paid all the dues payable to the Government under the lease upto the date of application; and
- (c) surrender of the area by the lessee has not been permitted for more than once.

### CHAPTER III

#### Grant of mining lease in respect of land belonging to private persons

**21. Applicability of this chapter.** — The provisions of this Chapter shall apply to mining leases granted by private persons.

**22. Restrictions on grant of mining lease by private persons.** — A mining lease granted by a private person shall be subject to the restrictions prescribed in rule 3, 13(1), (2) and (4), 14 and 16(1) and shall be subject to the following conditions: —

- (a) The provisions of clauses (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xvii), and (xviii) of sub-rule (1) of rule 18 shall apply to such lease with the modification that in clause (ii), (iii), (iv), (vii) and (xviii) for the words «Competent Officer» the word «lessee» shall be substituted.
- (b) The lessee may determine the lease at any time by giving not less than six months' notice in writing to the lessor;
- (c) The lease may contain such other conditions as may be agreed upon between the parties.

**23. Submission of copy of lease.** — Every person obtaining a mining lease from a private person shall within three months of the grant of such lease or

execution of such lease submit to the Competent Officer a certified copy of the lease.

**24. Communication of transfer of assignment.** — Every transferee or assignee of a mining lease or of any right, title or interest therein, shall within one month of such transfer or assignment inform the Competent Officer about the transfer or assignment and of the terms and conditions of such transfer or assignment.

**25. Prohibition of premium.** — No person in granting or transferring a mining lease or any right, title or interest in any such lease, shall charge any premium in addition to or in lieu of the surface rent, dead rent or royalty specified in such lease or such proportionate part of such fee, rent or royalty as is payable in respect of the right, title or interest transferred.

**26. Annual returns and statements.** — Every private person granting a mining lease shall furnish, annually, to the Director of Industries, returns and statements, within such period as the Director of Industries may direct.

**27. Penalty for granting mining lease in contravention of these rules.** — If any private person grants a mining lease in contravention of any of the provisions of this Chapter or accepts any premium in contravention of rule 25, he shall be punishable with imprisonment which may extend to three months or with fine which may extend to Rs. 1000/- or with both and the lease so granted shall be void.

**28. Penalty for failure to furnish returns etc.** — Should any lessee or his transferee or assignee fail to furnish the documents or information or returns as specified in rule 23, 24 or 26 or refuse entry or inspection by any officer authorised by Government or the Competent Officer under clause (xiii) of sub-rule (1) of rule 18, he shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to Rs. 500/- or with both.

### CHAPTER IV

#### Grant of prospecting licences in respect of lands which belong to Government

**29. Grant of Prospecting licence.** — On an application made to him the competent officer may grant a prospecting licence to any person for the purpose of exploiting, locating or proving the deposit from any specified land within the limits of his jurisdiction any minor mineral not exceeding in quantity to 3000 cubic metres, under one licence, on payment of such royalties as the Competent Officer may fix. But not exceeding the royalties calculated at the rates specified in Schedule I to these rules and also on payment of such land revenue and cesses and other taxes assessable on the lands.

Provided that the Competent Officer may refuse to grant such licence for reasons recorded in writing.

**30. Application for prospecting licence.** — (1) An application for prospecting licence shall contain the following particulars: —

- (i) Name, address and profession of the applicant;

(ii) Quantity of the minor mineral for which the licence is required;

(iii) Name of the minor mineral to be explored, located and proved;

(iv) Description of the lands from which the minor minerals is to be explored, located or proved.

(v) Purpose for which the minor mineral is to be used.

(2) Every application for a prospecting licence shall, if the land, from which the minor mineral is to be explored, located or proved are occupied lands, be accompanied by a letter from the occupant of such lands to the effect that he has no objection to explore, locate and prove the mineral by the applicant.

(3) Every application shall be accompanied by certified copies of relevant extracts of Records of Rights, Revenue Register (Livro de Matriz Predial) or property Register (Inscrição e Descrição do Registro Predial) or any other lawful documents as the case may be, in respect of land from which the minor mineral is proposed to be explored, located and proved.

**31. Application fee.**—The application shall be accompanied by a fee of Rs. 5/-. If the Competent Officer refuses to grant the licence applied for, the fee shall be refunded.

**32. Conditions on which the prospecting licence shall be granted.**—(1) (a) Every prospecting licence granted under rule 29 shall contain a condition that the depth of the pit below the surface shall not exceed six metres.

(b) Any licence granted under rule 29 may contain such other conditions as the officer granting the licence may deem necessary in regard to the following matters:—

(i) Time limit, mode and place of payment or rents and royalties;

(ii) Compensation for damage to the land covered by the licence;

(iii) Felling of trees;

(iv) Restriction of surface operations in any area prohibited by any authority;

(v) Entering and working in any reserved or protected forest;

(vi) Reporting all accidents;

(vii) Indemnity to Government against claims of third parties;

(viii) Period within which the minor mineral shall be explored, located and proved and delivery of possession over lands on the expiry of such period or on the removal of the quantity of the minor mineral for which the licence is valid;

(ix) Forfeiture of property left after cancellation of the licence;

(x) Plugging of bore holes and filling up or fencing all excavations in the land covered by the licence before delivery of possession over lands on the expiry of the period specified in item (viii) or on cancellation of the licence.

(xi) The licensee, shall not for the purpose of exploiting, locating and proving the deposits carry on or allowed to be carried on any operations at any point within a distance of 45 metres if no blasting is involved, and 185 metres if blasting is involved,

from the boundary of any railway line except with the written permission of the Railway Administration concerned or from the boundary of any reservoir, canal, road or public works, building except with the previous permission of the Government. The Railway Administration or the Government, may, in granting permission, impose such conditions as it may deem fit. In the case of National Monuments such distance should not be less than 300 metres away from such monuments whether blasting is involved or not.

(xii) In case of breach of any of the conditions subject to which the licence is granted, the Competent Officer may cancel it. On cancellation of the licence the materials lying on the land from which they are extracted shall become the absolute property of the Government.

## CHAPTER V

### Appeal

**33. Application for appeal.**—Any person aggrieved by an order of a Competent Officer:

(i) refusing to grant a mining lease or prospecting licence.

(ii) determining or cancelling such lease or licence;

(iii) refusing to permit transfer of a mining lease; may within two months of the date of such order, apply to Government.

**34. Application fee.**—An application for appeal under rule 33 shall be accompanied by a fee of Rs. 15/-.

**35. Appeal.**—Upon receipt of such application, Government may, if it thinks fit, call for the relevant records and other information from the Competent Officer and after considering any explanation that may be offered by him, cancel his order or revise it in such manner as Government may deem just and proper.

**36. Finality of order.**—The order of Government under rule 35 shall be final.

## CHAPTER VI

### Miscellaneous

**37. Application of these rules to renewal.**—(a) Government land:

Where a mining lease, prospecting licence or any other concession for mining of a minor mineral or minerals in the Government land granted before the commencement of these rules is renewed after such commencement, these rules shall apply in relation to such renewal as they apply in relation to the renewal of a mining lease or prospecting licence granted after such commencement.

(b) Lands other than Government lands:

All the persons to whom mining lease or prospecting licence of minor minerals granted in respect of lands other than Government lands shall, within a period of sixty days after the commencement of these rules, submit to the Director of Industries, a statement in writing, giving therein the volume of excavation in cubic metres, done by them up to the day of the commencement of these rules.

**38. Relaxation of rules in special cases.**— In any case or class of cases in which the Government is of the opinion that public interest so requires, it may authorise the grant of mining lease or a prospecting licence on the terms and conditions other than those prescribed in these Rules.

**39. Disposal of minor mineral by public auction in certain cases.**— Notwithstanding anything contained in the foregoing provisions, it shall be lawful for a Competent Officer to sell by public auction or otherwise dispose of the right to remove any minor mineral in such cases or class of cases and on such terms and conditions as the Government may by a general or special order specify.

**40. For works meant for public utility.**— P. W. D., Municipalities, B. D. O. and Village Panchayats for their direct use may extract free of charge, such minor minerals from Government land, with prior sanction of Competent Officer. When such land in which minor minerals occur is vested in private persons, such plots may be obtained in negotiations with the respective proprietor or when such negotiations fail, then be acquired under the Land Acquisition Act 1894.

The acquisition under the Land Acquisition Act, 1894, for "public works" shall be restricted as far as possible on the plots nearby the locality of such works.

**41. Extraction free of charge.**— Minor minerals that may be found in the course of building of any structure and opening wells, will be free of charges and the respective owner may use or sell the same without payment of any royalty. The provisions of this rule are also applicable to contractors or public works.

**42. Exemption.**— 1. Notwithstanding anything contained in these rules a potter, maker of bricks or tiles may remove earth, stone, kankar, sand murrum or clay from the bed of the sea or from the beds of creeks, rivers and nalas or from any unassessed waste land within the limits of the village for his domestic or agricultural purposes with the previous permission in writing of the Panchayat Secretary and without payment of any royalty.

Provided that no such permission shall be given in respect of land assigned for burial or cremation grounds.

Provided further that where the excavation of the soil is likely to cause damage or destroy any valuable building, wall or any land required for any special purpose or any boundary mark, the previous sanction of the Mamlatdar to any such removal shall be required, who, after making such investigations as he deems fit, may refuse permission to the extent necessary to prevent such damage or destruction.

2. Any person may for the purpose of building a wall or for his domestic or agricultural purposes but not for sale or personal gain remove such material specified in sub-rule (1) with the previous permission in writing of the Mamlatdar within whose jurisdiction such material is situated without payment of any royalty provided that the value of the material so removed shall not exceed Rs. 100/-.

3. No Panchayat Secretary or Mamlatdar shall permit any removal under sub-rule (1) or (2) from land which may fall within the jurisdiction of Cap-

tain of Ports, defence services or any other authority without having their no objection certificate for such removal.

4. Where it appears to the Panchayat Secretary or the Mamlatdar that the trade carried on by any potter or maker of bricks or tiles or any other person is sufficiently extensive and lucrative so as to justify the payment of royalty, he shall refer the case to the Competent Officer for his decision.

In such cases and in the localities where he deems fit, the Competent Officer may prevent, by an order in writing the Mamlatdar or the Panchayat Secretary from giving permission without obtaining his prior approval. In all these cases, the concerned applications shall be referred by the Mamlatdar or the Panchayat Secretary, as the case may be to the Competent Officer for orders.

5. When the Panchayat Secretary refuses permission when the same is applied for under sub-rule (1) or does not refer the application to the Competent Officer under sub-rule (4) or when the Mamlatdar refuses permission under sub-rule (2), an appeal shall lie to the Competent Officer whose decision shall be final.

6. The Panchayat Secretary or the Mamlatdar within five days from the date of permission, shall send to the Competent Officer a copy of all the permissions issued by them under sub-rule (1) and (2).

**SCHEDULE I**  
**Rates of royalties**  
(See Rules 18, 22 and 29)

Mineral	Rates of royalty
I(a) Limestones and its varieties including lime-shells.	When used for lime burning. either Rs. 1-65 per cubic metre of stone utilised. or Rs. 1-35 per cubic metre of prepared lime. When used as building stone ballast metal grit etc. Rs. 1-65 per cubic metre of stone utilised.
(b) Kankar when used for lime burning.	either Rs. 1-65 per cubic metre of stone utilised. or Rs. 1-10 per cubic metre of prepared lime.
II(a) All buildings stones including laterite when used for building and constructional purposes as stones masonry stones, blocks, metal grit, ballast, blocks chiras, grit, etc.	Rs. 1-35 per cubic metre of raw stones utilised.
III(a) Boulder, shingle, gravel, murrum, ordinary sand, kankar all used for constructional purposes either by excavation or collection.	Rs. 0-90 paise per cubic metre.
(b) Pebbles and modules of chalcedony quartzite stone or flint.	Rs. 4-55 per cubic metre.
IV Ordinary sand when used as core moulding or bend sand.	Rs. 1-10 per cubic metre.

Mineral	Rates of royalty
V(a) Ordinary clay when used for manufacture of tiles.	Rs. 1-10 per cubic metre.
VI Red matti and other coloured mattis (not amounting to ochres).	Rs. 0-95 paise per cubic metre.
VII Slate and shales when used for building purposes.	Rs. 1-65 per cubic metre.
VIII Brick earth.	Rs. 0-10 paise per cubic metre of brick earth consumed for manufacture of bricks, or Rs. 0-45 paise per 100 bricks manufactured of common standard size 9×4×3 inches.
IX Fuller's earth or Bentonite.	Rs. 2-20 per cubic metre.

## SCHEDULE II

## Limits of Dead Rents

(See Rule 13)

	Per hectare or portion thereof maximum
I Specified minor minerals .....	Rs. 100-00
II Building stones including laterite .....	Rs. 100-00
III All other minor minerals except those used for making grinding stones .....	Rs. 50-00

By order and in the name of the Administrator  
of Goa, Daman and Diu.

*J. C. Almeida*, Secretary (Industries & Labour).

Panaji, 27th April, 1972.